

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2008 Legislative Session**

**Legislative Day No. 7  
June 2, 2008**

**HOWARD COUNTY TO WIT:**

The Chairman called the session to order at 7:57 p.m.

Courtney Watson, Chairperson; Mary Kay Sigaty, Vice Chairperson; Calvin Ball, Council Member; Greg Fox, Council Member; and Jennifer Terrasa, Council Member, were present. Sheila Tolliver; Administrator to the County Council; Margaret Nolan, County Solicitor; Jim Vannoy and Paul Johnson, Office of Law, were also present.

**APPROVE JOURNAL**

The Chairperson moved to approve the journals for Legislative Day No. 5, May 5, 2008 and Day No. 6, May 22, 2008. Her motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson to approve the journals was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to approve the journals passed.

**APPROVE MINUTES**

The Chairperson moved to approve the following minutes:

Legislative Public Hearing – May 19, 2008

Budget Work Session – May 20, 2008

PELU Final Report & Recommendations to Council – May 27, 2008

Legislative Work Session – May 27, 2008

Her motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson to approve the minutes was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to approve the minutes passed. (See attached.)

**SUSPEND RULES**

The Chairperson moved to suspend the rules to allow the introduction of Council Bill No. 51-2008 that was not prefiled. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to suspend the rules passed.

The Chairperson moved to suspend the rules to allow the introduction of Council Resolution No. 67-2008 that was not prefiled. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to suspend the rules passed.

## **INTRODUCTION**

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

### **Appointments**

Council Resolution No. 61-2008 – Confirming the appointment of Adejire Bademosi to the Human Rights Commission.

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A RESOLUTION confirming the appointment of Adejire Bademosi to the Human Rights Commission.

### **Financial**

Transfer of Appropriation Ordinance No. 1-Fiscal 2009 – Transferring \$4,000,000 in Other Funding to Capital Project C0264, Systemic Facility Improvements, from Capital Project C0214, Category Contingency Fund

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AN ACT transferring \$4,000,000 in Other Funding to Capital Project C0264, Systemic Facility Improvements, from Capital Project C0214, Category Contingency Fund.

Council Bill No. 45-2008 - To authorize and empower Howard County, Maryland, to borrow up to \$27,000,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of Capital Project No. E-1005 (Mt. Hebron High School Renovation), as more particularly described in the County's 2009 Capital Budget, and to pay costs of issuance of such bonds

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AN ACT to authorize and empower Howard County, Maryland, to borrow up to \$27,000,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of Capital Project No. E-1005 (Mt. Hebron High School Renovation), as more particularly described in the County's 2009 Capital Budget, and to pay costs of issuance of such bonds; authorizing and empowering the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

## **General**

Council Bill No. 46-2008 – Introduced by Councilperson Fox - Amending reporting requirements by the Personnel Officer to the County Council; and establishing certain reporting requirements for positions created

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AN ACT amending reporting requirements by the Personnel Officer to the County Council; and establishing certain reporting requirements for positions created.

Council Bill No. 47-2008 – Amending provisions of the County Code that regulate electrical work; clarifying work that can be performed by certain homeowners; adopting the National Electrical Code for 2008 and local amendments thereto; and generally relating to the electrical requirements in Howard County

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AN ACT amending provisions of the County Code that regulate electrical work; clarifying work that can be performed by certain homeowners; adopting the National Electrical Code for 2008 and local amendments thereto; and generally relating to the electrical requirements in Howard County.

Council Bill No. 48-2008 – Amending the definition of food service facility; and generally relating to food handling provisions of the Howard County Code

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AN ACT amending the definition of food service facility; and generally relating to food handling provisions of the Howard County Code.

Council Bill No. 49-2008 - Regulating certain residential multi-used sewerage systems; defining certain terms; providing that the County shall act as an approving authority; setting forth responsibilities of the Department of Public Works; setting forth certain standards for design and construction; setting forth certain responsibilities of certain parties; requiring certain covenants; providing for certain rights of entry; authorizing certain fees and methods of enforcement; requiring certain forms of financial security ; and generally relating to residential multi-used sewerage systems in Howard County

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AN ACT regulating certain residential multi-used sewerage systems; defining certain terms; providing that the County shall act as an approving authority; setting forth responsibilities of the Department of Public Works; setting forth certain standards for design and construction; setting forth certain responsibilities of certain parties; requiring certain covenants; providing for certain rights of entry; authorizing certain fees and methods of enforcement; requiring certain forms of financial security ; and generally relating to residential multi-used sewerage systems in Howard County.

Council Bill No. 50-2008 (ZRA-95) – Introduced by Courtney Watson, Chairperson and at the request of the County Executive - Amending the Howard County Zoning Regulations to establish a new definition for Neighborhood Preservation Parcel; to establish new procedures detailing the process in which qualifying Neighborhood Preservation Parcels may be used as sending parcels to send residential density to certain receiving districts; and generally relating to Neighborhood Preservation Parcels

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AN ACT amending the Howard County Zoning Regulations to establish a new definition for Neighborhood Preservation Parcel; to establish new procedures detailing the process in which qualifying Neighborhood Preservation Parcels may be used as sending parcels to send residential density to certain receiving districts; and generally relating to Neighborhood Preservation Parcels.

Council Bill No. 51-2008 – Introduced by Greg Fox – Prohibiting installation of certain multiuse sewerage systems for residential projects; providing exceptions; allowing the County Board of Health to adopt certain regulations; and generally relating to private sewer systems

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AN ACT prohibiting installation of certain multiuse sewerage systems for residential projects; providing exceptions; allowing the County Board of Health to adopt certain regulations; and generally relating to private sewer systems.

Council Resolution No. 62-2008 – Introduced by Courtney Watson - Requesting the Department of Planning and Zoning to include the New Town zoning district as a density receiving parcel for the Neighborhood Preservation Density Exchange Option during the future revision to the New Town zoning regulations

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A RESOLUTION requesting the Department of Planning and Zoning to include the New Town zoning district as a density receiving parcel for the Neighborhood Preservation Density Exchange Option during the future revision to the New Town zoning regulations.

Council Resolution No. 63-2008 – Commencing a proceeding to identify the future cable-related community needs and interests and to review the performance of Comcast of Howard County, LLC.

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A RESOLUTION commencing a proceeding to identify the future cable-related community needs and interests and to review the performance of Comcast of Howard County, LLC.

Council Resolution No. 64-2008 – Adopting the Housing Unit Allocation Chart for Fiscal Year 2009 pursuant to the Adequate Public Facilities Act of Howard County

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A RESOLUTION adopting the Housing Unit Allocation Chart for Fiscal Year 2009 pursuant to the Adequate Public Facilities Act of Howard County.

Council Resolution No. 65-2008 - Adopting the Open/Closed Chart, pursuant to the Adequate Public Facilities Act of Howard County, to designate the school regions and school districts that are open for residential development

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A RESOLUTION adopting the Open/Closed Chart, pursuant to the Adequate Public Facilities Act of Howard County, to designate the school regions and school districts that are open for residential development.

Council Resolution No. 66-2008 - Amending the Food Service Facilities Regulations; changing the definitions of food service facility and potentially hazardous food; requiring certified food service managers to be on-site during certain hours of operation at certain entities; providing certain exemptions to the food service manager requirements; providing for the administration and enforcement of food service manager requirements; providing for new minimum and maximum ambient temperatures and storage temperatures for ground meat and poultry; and generally related to food service facilities regulations in Howard County

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A RESOLUTION amending the Food Service Facilities Regulations; changing the definitions of food service facility and potentially hazardous food; requiring certified food service managers to be on-site during certain hours of operation at certain entities; providing certain exemptions to the food service manager requirements; providing for the administration and enforcement of food service manager requirements; providing for new minimum and maximum ambient temperatures and storage temperatures for ground meat and poultry; and generally related to food service facilities regulations in Howard County.

Council Resolution No. 67-2008 – Levying a tax on certain admissions and amusements, establishing classes of admissions and amusements, setting tax rates on different classes, and providing for certain exemptions from the tax.

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A RESOLUTION levying a tax on certain admissions and amusements, establishing classes of admissions and amusements, setting tax rates on different classes, and providing for certain exemptions from the tax.

### **FINAL CONSIDERATION**

The Chairperson moved to adopt the following legislation:

Council Resolution No. 36-2008 – Confirming the appointment of Lori L. Sherwood as Cable Administrator

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Council Resolution No. 37-2008 – Confirming the appointment of Diana Carson Seybolt to the Board of Directors of the Howard County Mental Health Authority

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the legislation was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolutions No. 36-2008 and No. 37-2008 passed.

### **Financial**

Council Resolution No. 38-2008 – Approving certain transfers between major categories of the Howard County Board of Education Operating Budget for Fiscal Year 2008; transferring \$150,000 from the Administration category; \$350,000 from the Mid-Level Administration category; \$140,000 from the Operation of Plant category; and \$300,000 from the Maintenance of Plant category for a total transfer of \$940,000 to the Special Education category

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The Chairperson moved to adopt Council Resolution No. 38-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolution No. 38-2008 passed.

Council Resolution No. 35-2008 - Adopted pursuant to the Maryland Economic Development Revenue Bond Act providing for the issuance by Howard County, Maryland, of up to \$11,000,000 of its limited obligation bonds and the loan of the proceeds thereof to Glenelg Country School, Inc. to be used to (1) refund the Howard County, Maryland Economic Development Revenue Bonds (Glenelg Country School Facility) Series 2003 A, B and C, (2) refinance a loan from Mercantile-Safe Deposit and Trust Company Bank to Glenelg Country School, Inc. made on May 31, 2005, and (3) finance costs of issuance and other related costs

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The Chairperson moved to adopt Council Resolution No. 35-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolution No. 35-2008 passed.

### **General**

The Chairperson moved to remove from the table Council Bill No. 24-2008, Council Bill No. 25-2008 and Council Bill No. 27-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to remove the bills from the table passed.

Council Bill No. 24-2008 – Establishing a Design Advisory Panel; requiring review by the Panel at the certain times in the development process and for the development of certain types of parcels; providing for the membership, chair, and staffing of the Panel; providing the guidelines and principals for the Panel to apply; providing for the duties and responsibilities of the Panel; requiring certain recommendations be made to the Director of the Department of Planning and Zoning; providing that the Director of Planning and Zoning and Hearing Authority can consider recommendations as a condition of plan and conditional use approval; authorizing the adoption of certain Rules of Procedure; authorizing certain fees; providing for certain exceptions applicable to the Panel; providing for certain appeals; requiring certain disclosures; providing for the expiration dates of the terms of the initial members of the Panel; providing for the application of this Act; and generally relating to the Design Advisory Panel (*Tabled 05/05/08*)

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The Chairperson moved to adopt Council Bill No. 24-2008. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 24-2008 as follows: *(This amendment makes the following changes:*

1. *Adds a statement of intent to include future design manuals and master plans that are adopted by legislative action of the County Council;*
2. *Clarifies that only parcels subject to the Route 1 Manual and parcels on which age-restricted adult housing is to be constructed are subject to Panel review;*
3. *Changes the number of Panel members to seven;*
4. *Imposes a time requirement by which Panel recommendations must be made;*
5. *Clarifies phased review recommended by an Applicant;*
6. *Adds that Rules of Procedure will include a procedure to distribute minutes to those who have provided written comments;*
7. *Adds a reporting requirement; and*
8. *Makes a technical correction to cross reference the appropriate appeal provision.)*  
(See attached.)

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The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 1 to Council Bill No. 24-2008 as follows: *(This amendment changes the date of applicability due to the bill being tabled, and due to a time requirement for appointments to boards and commissions contained in Section 209(c) of the County Charter. Adds a requirement that all members of the Design Advisory Panel must be professionals in certain fields.)*

On page 1 of Amendment No. 1, after #8 in the Amendment description, insert:

- “9. Changes the date of applicability due to the bill being tabled and, and due to a time requirement for appointments to boards and commissions contained Section 209(c) of the County Charter.
10. Adds a requirement that all members of the Design Advisory Panel must be professionals in certain fields.”

On page 1 of Amendment No. 1, after line 11 insert:

“On page 3, in lines 10, 11, 14, 15, 18, and 19, on page 7 in lines 4 and 5, and on page 11 in lines 15, 16, 19, and 20, in each instance, strike ‘SEPTEMBER 2’ and substitute ‘NOVEMBER 3’.”

On page 2 of Amendment No. 1, after line 7 insert:

“On page 13, after line 4, insert:

‘(1) EACH MEMBER MUST BE A PROFESSIONAL IN ARCHITECTURE, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, URBAN PLANNING, OR A RELATED FIELD;

On page 13, in lines 5, 7, 9, and 11, strike ‘(1)’, ‘(2)’, ‘(3)’ and ‘(4)’, respectively, and substitute ‘(2)’, ‘(3)’, ‘(4)’, and ‘(5)’, respectively.’”

On page 3 of Amendment No. 1, after line 22 add:

“On page 17, in line 27, strike ‘September 2’ and substitute ‘November 3’.

On page 17, in line 31, strike ‘September’ and substitute ‘November’.

On page 18, in line 1, strike ‘September’ and substitute ‘November’.

On page 18, in line 2, ‘September’ and substitute ‘November’.”

On page 4 of Amendment No. 1, in line 1, strike “September” and substitute “November”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the amendment to the amendment was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Amendment No. 1 to Council Bill No. 24-2008 passed.

The roll call vote called by the Chairperson on Amendment No. 1 as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Council Bill No. 24-2008 passed as amended.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 24-2008 as follows:

*(This amendment would add transportation connections as a factor to the open space guideline and principle).*

On page 14, in line 8, strike “AND” and immediately following “CONNECTIONS”, insert “AND TRANSPORTATION CONNECTIONS”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 2 to Council Bill No. 24-2008 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 24-2008 passed as amended.

Council Bill No. 25-2008 (ZRA-91) – Amending the Howard County Zoning Regulations to establish a requirement for review by the Design Advisory Panel of age-restricted adult housing projects that are required to receive conditional use approval; and generally related to age-restricted adult housing projects *(Tabled 05/05/08)*

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The Chairperson moved to adopt Council Bill No. 25-2007. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 25-2007 passed.



Council Bill No. 27-2008 (ZRA-88) – Introduced by: The Chair at the request of Taylor Family Limited Partnership A & B - Amending the Howard County Zoning Regulations to permit retail and personal service uses for age-restricted adult housing in the POR zoning district by right in certain circumstances; permit retail and personal service uses permitted in the B-1 zoning district by right in certain circumstances in the PEC zoning district; and generally relating to retail and personal service uses. *(Tabled 05/05/08)*

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The Chairperson moved to adopt Council Bill No. 27-2008. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 27-2008 as follows: *(This amendment would list all of the B-1 uses allowed as retail and personal service uses in the POR and PEC zoning districts).*

On the title page, on lines 1 and 3 of the title, after “permit”, insert “certain”.

On page 1, line 24, after “UNITS”, insert “AND A POR DISTRICT OF AT LEAST 10 ACRES”.

On page 1, line 26, after the first “THE”, insert “FOLLOWING”. In line 27, strike period and substitute a colon.

- “A. PERSONAL SERVICE ESTABLISHMENTS, SUCH AS BARBER AND BEAUTY SHOPS, OPTICIANS, PHOTOGRAPHERS AND TAILORS.
- B. DRUG AND COSMETIC STORES.
- C. CONVENIENCE STORES.
- D. SPECIALTY STORES.
- E. RESTAURANTS, CARRYOUT, INCLUDING INCIDENTAL DELIVERY SERVICES.
- F. ANTIQUE SHOPS, ART GALLERIES, CRAFT SHOPS.
- G. BAKERIES, PROVIDED ALL GOODS BAKED ON THE PREMISES SHALL BE SOLD AT RETAIL FROM THE PREMISES.
- H. CARPET AND FLOOR COVERING STORES.
- I. CLOTHING AND APPAREL STORES WITH GOODS FOR SALE OR RENT.
- J. FARMERS MARKETS AND FARM PRODUCE STANDS.
- K. LAUNDRY AND/OR DRY CLEANING ESTABLISHMENTS, EXCEPT THAT PICKUP AND DELIVERY SERVICES SHALL NOT BE PROVIDED.
- L. LIQUOR STORES.
- M. PET GROOMING ESTABLISHMENTS.
- N. REPAIR OF ELECTRONIC EQUIPMENT, RADIOS, TELEVISIONS. COMPUTERS, CLOCKS, WATCHES, JEWELRY, AND SIMILAR ITEMS.
- O. SEASONAL SALE OF CHRISTMAS TREES OR OTHER DECORATIVE PLANT MATERIALS, SUBJECT TO THE REQUIREMENTS OF SECTION 128.D.4.
- P. SERVICE AGENCIES, SUCH AS REAL ESTATE AGENCIES, INSURANCE AGENCIES, SECURITY SERVICES, MESSENGER SERVICES, COMPUTER SERVICES, TRAVEL AGENCIES, MAILING SERVICES.”

On page 2, in line 13 strike “35” and substitute “36”.

On page 3 strike lines 2 to 8 and substitute with the following:

“36. THE FOLLOWING RETAIL AND PERSONAL USES PERMITTED IN THE B -1 ZONING DISTRICT SHALL BE ALLOWED ON LOTS IN A PLANNED DEVELOPMENT CONTAINING A MINIMUM OF 500 DWELLING UNITS. THE GROSS FLOOR AREA OF RETAIL USES DEVELOPED UNDER THIS SECTION SHALL NOT EXCEED 40,000 SQUARE FEET. FOR THE PURPOSE OF THIS SECTION, A PLANNED DEVELOPMENT SHALL INCLUDE ALL PROPERTY UNDER A COMMON MASTER HOMEOWNERS ASSOCIATION.

- A. CONVENIENCE STORES;
- B. DRUG AND COSTMETIC STORES;
- C. LAUNDRY AND DRY CLEANING ESTABLISHMENTS WITHOUT DELIVERY SERVICES;
- D. LIQUOR STORES;
- E. PERSONAL SERVICE ESTABLISHMENTS SUCH AS BARBER AND BEAUTY SHOPS, OPTICIANS, PHOTOGRAPHERS, TAILORS;
- F. RESTAURANTS, CARRYOUT, INCLUDING INCIDENTAL DELIBERY SERVICES;
- G. SPECIALTY STORES;
- H. ANIMAL HOSPITALS, COMPLETELY ENCLOSED;
- I. ANTIQUE SHOPS, ART GALLERIES, CRAFT SHOPS;
- J. BAKERIES, PROVIDED ALL GOODS BAKED ON THE PREMISES SHALL BE SOLD AT RETAIL FROM THE PREMISES;
- K. BICYCLE REPAIR SHOPS;
- L. CARPET AND FLOOR COVERING STORES;
- M. CLOTHING AND APPAREL STORES WITH GOODS FOR SALE OR RENT;
- N. FARMERS MARKETS AND FARM PRODUCE STANDS;
- O. FOOD STORES;
- P. PET GROOMING ESTABLISHMENTS;
- Q. REPAIR OF ELECTRONIC EQUIPMENT, RADIOS, TELEVISIONS, COMPUTERS, CLOCKS, WATCHES, JEWELRY, AND SIMILAR ITEMS;
- R. SEASONAL SALE OF CHRISTMAS TREES OR OTHER DECORATIVE PLANT MATERIALS, SUBJECT TO THE REQUIREMENTS OF SECTION 128.D.4;
- S. SERVICE AGENCIES, SUCH AS REAL ESTATE AGENCIES, INSURANCE AGENCIES, SECURITY SERVICES, MESSENGER SERVICES, COMPUTER SERVICES, TRAVEL AGENCIES, MAILING SERVICES.”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Council Bill No. 27-2008 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 27-2008 as follows: *(This amendment would clarify in the use section of the POR regulations that retail and personal service uses are permitted in the age-restricted adult housing use).*

On page 1, in line 17, insert:

“B. Uses Permitted as a Matter of Right

1. Adult live entertainment establishments, subject to the requirements of Section 128.H.
2. Age-restricted Adult housing, INCLUDING RETAIL AND PERSONAL SERVICES USES SUBJECT TO THE REQUIREMENTS OF SUBSECTION 115.E.6.”.

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The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 2 to Council Bill No. 27-2008 as follows: *(This amendment would add an enactment clause to Amendment 2 which would allow Section 115.B to be added to the bill).*

On page 1, in line 3, immediately following “changes”, insert, “; Number 2 “Age-restricted adult housing”, Subsection B “Uses Permitted as a Matter of Right”, of Section 115 “POR (Planned Office Research) District”, is hereby amended;”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the amendment to Amendment No. 2 was:  
Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Amendment No. 2 to Council Bill No. 27-2008 passed.

The roll call vote called by the Chairperson on Amendment No. 2 as amended was: yea:  
Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 2 to Council Bill No. 27-2008 passed as amended.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 27-2008 passed as amended.

Council Bill No. 33-2008 – Adding a position to the list of executive exempt positions in the Howard County Code that are appointed by the County Executive; amending the title of Chief Deputy as appointed by Chief of Fire and Rescue Services; providing for the application of this Act

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The Chairperson moved to adopt Council Bill No. 33-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 33-2008 passed.

Council Bill No. 34-2008 – Amending the Classification Plan for Howard County by adding certain introductory language; adding and amending certain class descriptions; amending certain minimum experience requirements to be consistent with the Howard County Code; amending certain class titles; making certain technical corrections; providing for the application of this Act

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The Chairperson moved to adopt Council Bill No. 34-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 34-2008 passed.

Council Bill No. 35-2008 – Pursuant to Section 1.111(e) of the Howard County Code approving provisions in an amendment to the Memorandum of Agreement between Howard County and the International Union of Police Associations - Howard County Local 107 which are in conflict with the provisions of Title 1 “Human Resources” of the County Code or the Employee Manual and providing for the application of this Act

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The Chairperson moved to adopt Council Bill No. 35-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 35-2008 passed.

Council Bill No. 36-2008 – Amending the eligibility criteria to qualify for the refuse collection charge assistance program; and generally related to the refuse collection charge assistance program in Howard County

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The Chairperson moved to adopt Council Bill No. 36-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 36-2008 passed.

Council Bill No. 37-2008 – Amending the benefits for payments made under the Length of Service Awards Program for volunteer firefighters and emergency medical services personnel; and generally related to fire and rescue services in Howard County

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The Chairperson moved to adopt Council Bill No. 37-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 37-2008 passed.

Council Bill No. 38-2008 – Amending the Howard County Fire Prevention Code to authorize the adoption of certain fees; and generally related to fire and rescue services in Howard County

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The Chairperson moved to adopt Council Bill No. 38-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on bill was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 38-2008 passed.

Council Member Terrasa moved to recess the legislative session for fifteen minutes. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to recess the legislative session passed.

The legislative session reconvened at 8:40 p.m.

Council Bill No. 39-2008 – Amending the Adequate Public Facilities Ordinance to expand the eligibility for Route 1 revitalization allocations; to amend the number of units that may be granted to a given project; to provide for the advancement of certain Route 1 revitalization allocations under certain conditions; and generally related to Howard County’s Adequate Public Facilities Ordinance

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The Chairperson moved to adopt Council Bill No. 39-2008. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 3 to Council Bill No. 39-2008 as follows: *(This amendment would exclude a portion of the Elkridge Planning region from being eligible for advanced Route 1 revitalization allocations).*

On page 2, in line 9, immediately before the comma, insert “AND THE PROJECT IS LOCATED OUTSIDE OF THE PORTION OF THE ELKRIDGE REGION THAT IS BORDERED TO THE NORTHWEST BY INTERSTATE 95 AND SOUTHWEST BY MARYLAND ROUTE 100”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 3 was: Yea: Council Members Watson, Ball, Sigaty and Terrasa; Abstain: Council Member Fox  
Amendment No. 3 to Council Bill No. 39-2008 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 39-2008 as follows: *(This amendment would clarify that projects which utilize advanced Rt. 1 allocations would have to adhere to the Adequate Public Facilities Ordinance including Open/Closed Schools and Road Facilities tests and that developers electing to utilize advanced Rt. 1 allocations would have to pay a charge to the County which are intended to fund public facilities serving the Rt. 1 Corridor.)*

On page 1, in line 25, after “of”, strike the remainder of the sentence and substitute, “THE ADEQUATE PUBLIC FACILITIES ORDINANCE, INCLUDING THE OPEN/CLOSED SCHOOLS TEST AND THE ADEQUATE ROAD FACILITIES TEST.”

On page 3, in line 3, after “of”, strike the remainder of the sentence and substitute, “THE ADEQUATE PUBLIC FACILITIES ORDINANCE, INCLUDING THE OPEN/CLOSED SCHOOLS TEST AND THE ADEQUATE ROAD FACILITIES TEST.”

On Page 3, immediately following line 3, insert:

- “(I) *ADVANCING OF ROUTE 1 ALLOCATIONS, ROUTE 1 PUBLIC FACILITY CHARGE. ANY DEVELOPER ELECTING TO UTILIZE ADVANCED ROUTE 1 ALLOCATIONS SHALL PAY AN ADVANCED ALLOCATION CHARGE TO BE SET BY RESOLUTION OF THE COUNTY COUNCIL. A DEVELOPER MAY CONTRIBUTE REAL PROPERTY OR OTHER CAPITAL IMPROVEMENTS IN LIEU OF PAYMENT OF ALL OR A PORTION OF THE ADVANCED ALLOCATION CHARGE WHEN THE CONTRIBUTION WOULD BETTER SERVE THE PUBLIC INTEREST THAN PAYMENT OF THE CHARGE. CONTRIBUTIONS IN LIEU OF PAYMENT OF THE CHARGE SHALL:*
- (2) BE OF EQUIVALENT OR GREATER VALUE THAN THE AMOUNT OF THE CHARGE, OR PORTION THEREOF; AND
- (3) CONSTITUTE REAL PROPERTY OR IMPROVEMENTS THAT ARE NOT ALREADY REQUIRED TO BE DEDICATED TO THE COUNTY PURSUANT TO TITLE 16, SUBTITLE 1 OF THE HOWARD COUNTY CODE.

***Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland, that it is the intent of the County Council and the County Executive that all charges collected pursuant to Section 1 of this Act will be appropriated for public facilities serving the Route 1 Corridor, including but not limited to schools, libraries, fire stations and community centers.”***

Renumber the existing Section 2 to be Section 3.

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The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 3 to Council Bill No. 39-2008 as follows: *(This amendment would change the boundary of the area to be excluded from being advanced Rt. 1 Revitalization allocations).*

On page 1, in line 7, strike “MARYLAND ROUTE 100” and substitute “AN UNNAMED TRIBUTARY OF DEEP RUN LOCATED AT THE HOWARD COUNTY/ANNE ARUNDEL COUNTY LINE, APPROXIMATELY 100 FT. SOUTHWEST OF HANOVER ROAD”.

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the amendment to the amendment was:  
Yea: Council Members Watson, Ball, Sigaty and Terrasa; Abstain: Council Member Fox.  
Amendment No. 1 to Amendment No. 3 to Council Bill No. 39-2008 passed.

The roll call vote called by the Chairperson on Amendment No. 3 as amended was: Yea: Council Members Watson, Ball, Sigaty and Terrasa; Abstain: Council Member Fox.  
Amendment No. 3 to Council Bill No. 39-2008 passed as amended.

Council Member Fox moved to table Council Bill No. 39-2008 as amended. The motion was seconded by Mr. Ball.

The roll call vote called by the Chairperson on the motion to table was: Yea: Council Members Ball, Fox, and Sigaty; Nay: Council Member Terrasa; Pass: Council Member Watson.  
The motion to table Council Bill No. 39-2008 as amended passed.

Council Member Terrasa moved to put Council Bill No. 39-2008 as amended on the agenda for the public hearing on June 16, 2008. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion passed.

Council Bill No. 40-2008 – Ratifying and approving, in accordance with Section 612 of the Howard County Charter, a multi-year lease for a portion of a building located at 88 State Circle, Annapolis, Maryland by and between the Mayor and City Council of Baltimore, Howard County, Maryland, and Harford County, Maryland

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The Chairperson moved to adopt Council Bill No. 40-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 40-2008 passed.

Council Bill No. 41-2008 – Approving, in accordance with Section 612 of the Howard County Charter, a multi-year lease for a portion of a building located at the Harper's Choice Village Center, Columbia, Howard County, Maryland by and between Village Center Business Trust and Howard County, Maryland, to be utilized by the Howard County Police Department

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The Chairperson moved to adopt Council Bill No. 41-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 41-2008 passed.

Council Bill No. 42-2008 – Approving, in accordance with Section 612 of the Howard County Charter, a multi-year license agreement extension by and between the Columbia Association and Howard County, Maryland for space in the parking lot at the Oakland Mills Village Center, Columbia, Howard County, Maryland to be used by the Police Department

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The Chairperson moved to adopt Council Bill No. 42-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 42-2008 passed.

Council Resolution No. 39-2008 – Pursuant to Section 4.201 of the Howard County Code declaring that certain real property comprising approximately 26.233 acres owned by Howard County, Maryland and located along Martha Bush Drive in Ellicott City, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to sell the property; waiving the advertising and bidding requirements of

Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to sell the property if he finds that it may have a further public use and submits his finding to the County Council for its consideration

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The Chairperson moved to withdraw Council Resolution No. 39-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to withdraw Council Resolution No. 39-2008 passed.

Council Resolution No. 40-2008 – Pursuant to Section 4.201 of the Howard County Code declaring that certain real property comprising approximately 24.5 acres owned by Howard County, Maryland and located along Rogers Avenue in Ellicott City, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to sell the property; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to sell the property if he finds that it may have a further public use and submits his finding to the County Council for its consideration

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The Chairperson moved to adopt Council Resolution No. 40-2008. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 40-2008 as follows: *(This amendment helps ensure that the road contemplated by Capital Project J4225 will be built.)*

On page 2 at line 5, insert:

“AND BE IT FURTHER RESOLVED, that the County Council hereby urges the County Executive to ensure, in the manner that he considers to be in the best interest of the County, that the road contemplated by Capital Project J4225 will be built.”

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The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Council Resolution No. 40-2008 passed.

The roll call vote called by the Chairperson on the resolution as amended was: Yea: Council Members Ball, Sigaty and Terrasa; Nay: Council Members Watson and Fox.

Council Bill No. 40-2008 passed as amended.

Council Resolution No. 67-2008 – Levying a tax on certain admissions and amusements, establishing classes of admissions and amusements, setting tax rates on different classes, and providing for certain exemptions from the tax.

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The Chairperson moved to adopt Council Resolution No. 67-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolution No. 67-2008 passed.

## **ADJOURNMENT**

The Chairperson adjourned the legislative session at 9:00 p.m.

## **TABLED LEGISLATION**

Council Bill No. 39-2008 – Amending the Adequate Public Facilities Ordinance to expand the eligibility for Route 1 revitalization allocations; to amend the number of units that may be granted to a given project; to provide for the advancement of certain Route 1 revitalization allocations under certain conditions; and generally related to Howard County's Adequate Public Facilities Ordinance (*Tabled Amended 06/02/08*)

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